

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 18, 2003

Division: County Administrator

Bulk Item: Yes X No

Department: County Administrator

AGENDA ITEM WORDING: Approval of a Resolution authorizing the County Administrator, subsequent to concurrence by the Sheriff, to authorize the temporary closing of State roads for special events and activities.

ITEM BACKGROUND: The Florida Department of Transportation requires that there be a specific process in place for signatures to be placed on forms authorizing the temporary closure of State roads for special events. In the past this has generally been done by the County Administrator in concurrence with the Sheriff's office. The other possibility is to present every request for a temporary road closure to the Board of County Commissioners for a vote. This would mean that certain temporary closings could not take place because they were not applied for in sufficient time for a County Commission meeting.

PREVIOUS RELEVANT BOCC ACTION:

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: 0

BUDGETED: Yes No

COST TO COUNTY: 0

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No X **AMOUNT PER MONTH** **YR**

APPROVED BY: County Atty ✓ OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:



James L. Roberts, County Administrator

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # 54

County Administrator

RESOLUTION NO. -2003

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE AND SIGN TEMPORARY STATE ROAD CLOSURE PERMIT REQUESTS FOR SPECIAL EVENTS AND TO CARRY OUT THE AIMS OF THIS RESOLUTION.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. The County Administrator is hereby authorized to approve and sign temporary state road closure permit requests for special events.

Section 2. The County Administrator is hereby authorized to do all things necessary to carry out the aims of this Resolution.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 18th day of June, 2003.

Mayor Spehar
Mayor Pro Tem Nelson
Commissioner McCoy
Commissioner Neugent
Commissioner Rice

(SEAL)

Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

By _____
Mayor/Chairperson

jresCAD

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY ROBERT N. ADAMS
DATE 6-8-03



Florida Department of Transportation

JEB BUSH
GOVERNOR

District Six • Permits Office
1000 Northwest 111th Avenue, Room 6215
Miami, Florida 33172-5800

JOSE ABREU
SECRETARY

May 5, 2003

Mr. James L. Roberts
County Administrator
1100 Simonton Street, Room 2-205
Key West, Florida 33040

Dear Mr. Roberts;

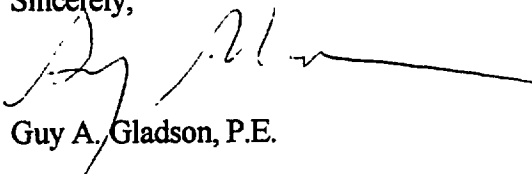
Please provide, per Florida Administrative Code Rule Chapter 14-65, the Department with a copy of a City resolution authorizing the appropriate local governmental authority (Mayor, City Manager, etc.) to sign on the city's behalf for a Special event that requires a state road closure.

In the past several years the Department has received at least one request to allow a special event within your city that requires a state road to be temporarily closed. *Mr. Timothy McGarry and yourself have previously signed these permits, however, the required resolution has not been provided to us as of this date.* It is to your best interest, prior to our approval, that we know who has the authority within your municipality to review and subsequently approve the special event.

As an alternative to providing the Department with the above resolution, a certified copy of an excerpt from the minutes of a duly scheduled city meeting authorizing the specific special permit will suffice.

Thank you for your assistance in this matter and please feel free to call at 305 470-5367 if any further assistance or clarification is needed.

Sincerely,



Guy A. Gladson, P.E.

Assistant District Permit Engineer

Chapter 14-65

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TEMPORARY CLOSING AND SPECIAL USE OF STATE ROADS

- 14-65.001 Scope. (Repealed)
- 14-65.0011 Exceptions. (Repealed)
- 14-65.002 State Roads in Municipal Corporate Limits. (Repealed)
- 14-65.0025 Scope, Exceptions, and Definitions.
- 14-65.003 State Roads Outside Municipal Corporate Limits. (Repealed)
- 14-65.0035 Procedures for Temporary Closing of State Roads Other Than Limited Access Facilities.
- 14-65.004 Procedures Subsequent to Approval of Request for Temporary Closing of State Roads Other Than Limited Access Facilities. (Repealed)
- 14-65.005 Forms to Request Temporary Closing or Special Use of State Road. (Repealed)
- 14-65.006 Temporary Closing and Special Use of Interstate and Other Limited Access Facilities.
- 14-65.0065 Procedures for Special Use of State Roads Including Limited Access Facilities.
- 14-65.0068 Procedures Subsequent to Approval of Request for Special Use of State Roads Including Limited Access Facilities. (Repealed)
- 14-65.007 Notification of Temporary Closing of State Road for Repair, Reconstruction, or Alteration. (Repealed)

14-65.0025 Scope, Exceptions, and Definitions.

This rule chapter 14-65 specifies procedures for obtaining a prior written permit for temporary closure of a state road from the Department when necessary for the conduct of a special event. The rule chapter outlines the requirements for special temporary use of limited access facilities, state roads other than limited access facilities; and for notice to the appropriate local law enforcement agencies of repair, reconstruction, or alteration which necessitates the closing of lanes for vehicular traffic.

(1) Exceptions. For purposes of this rule chapter, the following examples are uses of state roads for special events which do not require a prior written permit:

- (a) A motorcade when no traffic lanes are closed and law enforcement personnel control traffic at each intersection;
- (b) A run, walk-a-thon or bicycle event with a police escort and no detour of traffic; and
- (c) A parade on a street which only intersects a state road where law enforcement personnel control the traffic at such intersections.

(2) The following words and phrases when used in this rule chapter, shall have the meaning ascribed in this rule:

(a) "Charitable Purpose" has the meaning specified in Section 496.404(2), Florida Statutes.

(b) "Commercial Activities" include sale or display for sale, of merchandise; servicing or repairing of any vehicle, except rendering of emergency service; storage of vehicles being serviced or repaired on abutting property or elsewhere; solicitation for sale of goods, property, or services or for charitable purposes; and the display of advertising of any sort.

(c) "Emergency" is defined in Section 252.34, Florida Statutes, as any occurrence, or threat thereof, whether accidental, natural, or caused by man, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

(d) "Limited Access Facility" is as defined in Section 316.003(19), Florida Statutes.

(e) "Local Governmental Authority" means a municipality, county, or expressway or transportation authority serving one or more jurisdictions.

(f) "Special Event" means an art festival, parade, annual charity drive, fair, fund drive, race, run, motorcade, or similar activities of local interest.

(g) "Special Use" means any activities other than those defined as special events and as detailed in Rule 14-65.0065.

(h) "State Highway System" is as defined in Section 334.03(25), Florida Statutes.

(i) "State Road" is as defined in Section 334.03(27), Florida Statutes.

(j) "Temporary Closing" means the closing, detouring or otherwise restricting traffic flow of one or more vehicle traffic lanes of a street or highway for a cumulative period of fifteen minutes or more.

(k) "Written Permit" is Form 850-040-65, Request for Temporary Closing/Special Use of State Road, 02/92, requesting stated specific permission to close a stated specific section or part of a state road for a stated specific time period, signed by the District Secretary or designee and the applicant or applicant's authorized representative.

Specific Authority 334.044(2), 337.406(1) FS. Law Implemented 252.34, 316.003, 316.006(1), 316.008, 334.03, 337.406, 496.425 FS. History - New 1-19-89, Amended 4-15-92, 12-31-96.

14-65.0035 Temporary Closing of State Roads Other Than Limited Access Facilities.

(1) Procedures for Temporary Closing of State Roads Other Than Limited Access

Facilities. The temporary use and closing of state roads for the purpose of special events, not related to construction, reconstruction, maintenance or emergency purposes, may be accomplished as follows:

(a) A special event may be permitted by the appropriate local governmental authority.

(b) Prior to temporary closure of a state road for a special event, the local governmental authority which permits the special event must determine whether a temporary closing of the road is necessary for the event and obtain prior written approval from the Department unless excepted as defined in Section 14-65.0025(1) .

(c) A Request for Temporary Closing/Special Use of State Road, Form 850-040-65, 02/92, shall be submitted by the responsible official of the local governmental authority to the District Secretary, or designee, naming the sponsoring officials; stating that local law enforcement officials will manage all the details involved in administration of the event; and stating that as between the Department and the local governmental authority, to the extent permitted by Florida law, the local governmental authority will assume full responsibility for any liability claims arising from, or based on, the activities of the event.

(d) The local governmental authority shall include with this request:

1. A certified copy of an excerpt from the minutes of a duly scheduled meeting, or duly executed resolution, of the governmental authority authorizing the special event. The governmental authority may, by resolution, designate a position within that body (Mayor, City Manager, etc.) to authorize and sign for the body.

2. A marked map, indicating the temporary detours to be utilized by the public; and showing the placement of appropriate signs; stationing of any officers or flagmen; and locations of barricades and cones necessary to detour the traffic in a safe and efficient manner;

3. A description of the provisions made for the temporary rerouting of traffic; and

4. Approval from the United States Coast Guard District Commander authorizing the opening or closing of any movable bridge within the geographical limits of the event during the time period of the road closure.

(e) Prior to authorizing the temporary road closing, the Department shall review the proposed detour route to ensure that traffic volume will be handled and routed safely and efficiently.

(f) Such closing of the state road shall not be for commercial use, except that any portion of a state-maintained roadway may be used for special events and special use as defined in sections 14-65.0025(2)(f) and (2)(g) of this rule chapter, together with such commercial activities necessarily related to such events. Nothing in this rule chapter shall be construed to authorize such special events on the interstate highway system, toll roads, or other limited access facilities.